

IFW

Practitioner's Docket No. **AXM-6667**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Edward C. Benzel et al.**

Serial No.: **10/731,964**

Group No.: **3738**

Filed: **December 10, 2003**

Examiner: **TBD**

For: **METHOD AND APPARATUS FOR REPLACING A DAMAGED SPINAL DISC**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

1. **Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.**

NOTE: The PTO will not correct the filing receipt until the application is complete (in other words, the applicant files a response to the notice to file missing parts).

2. **There is an error with respect to the following data, which is:**

☒ **incorrectly entered**

and/or

☐ **omitted.**

RECEIVED
FEB 15 2005
OIP/E/JCWS

CERTIFICATION UNDER 37 CFR §§ 1.8(a) and 1.10*

**(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)**

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

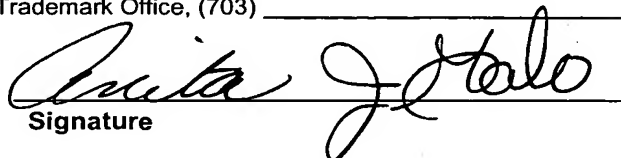
37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

- ☐ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee" Mailing Label No. _____ (mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office, (703) _____


Signature

Date: **January 7, 2005**

Anita J. Galo

(type or print name of person certifying)

*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Error in

1. ☒ Applicant's name
2. ☐ Applicant's address
3. ☐ Title
4. ☐ Filing Date
5. ☐ Serial Number
6. ☐ Foreign/PCT Application Re:
7. ☐ Other

Correct Data

1. EDWARD C. BENZEL and
ISADOR H. LIEBERMAN
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Reg. No.: 36,029

Tel. No.: (216) 621-2234

Customer No.: 26,294


SIGNATURE OF PRACTITIONER

James L. Tarolli
(type or print name of practitioner)

Tarolli, Sundheim, Covell,
& Tummino L.L.P.
526 Superior Avenue, Suite 1111
P.O. Address
Cleveland, OH 44114-1400

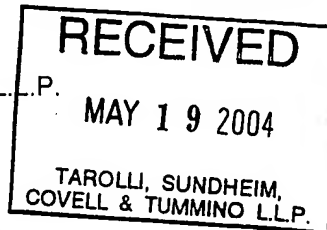


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/731,964	12/10/2003	3738	666	AXM-6667	10	44	1

TAROLLI, SUDHEIM, COVELL & TUMMINO L.L.P.
Suite 1111
526 SUPERIOR AVENUE
CLEVELAND, OH 44114-1400



CONFIRMATION NO. 9044

UPDATED FILING RECEIPT



OC000000012688170*

Date Mailed: 05/17/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Edward C. Benzel Benzel, Gates Hills, OH;
Isader H. Lieberman, Pepper Pike, OH;
Lee Strnad, Broadview Heights, OH;
James M. Kuras, Macedonia, OH;
Raymond S. Ross, Sale, UNITED KINGDOM;
Charles F. Birchall JR., Mentor, OH;
Keith Duke, Cleveland, OH;
Kari Zimmers, Solon, OH;

Assignment For Published Patent Application

Axiomed Spine Corporation;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/15/2004

Projected Publication Date: 06/16/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ******Title**

Method and apparatus for replacing a damaged spinal disc

Preliminary Class

623

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).